



Marco Antonio Jimenez P436189  
Name and Prisoner/Booking Number

Fourth Avenue Jail  
Place of Confinement

201 S. 4<sup>th</sup> Avenue  
Mailing Address

Phoenix, AZ 85003  
City, State, Zip Code

*Alternate address*

*2230 N. 23rd St.  
Phoenix, AZ 85006  
until further notice*

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Marco Antonio Jimenez  
(Full Name of Plaintiff) Plaintiff,

vs.

(1) Joe ARPAIO *Maricopa County Sheriffs*  
(Full Name of Defendant)

(2) Andrew THOMAS *Attorney*  
*Superior Court Judges*

(3) Newell, Christopher Whitten, David Tech

(4) Phoenix Police Department  
Defendant(s).

☐ Check if there are additional Defendants and attach page I-A listing them.

CV-08-2041-PHX-NVW-JRI  
CASE NO. CR2008-141435-001 DT  
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☒ Other: CR2007128829-001, CRJC2007128333001 and Disorderly conduct, threaten to intimidate  
JC2007156799

2. Institution/city where violation occurred: City of Phoenix Police, Maricopa County Sheriffs  
Office

550/555

Revised 3/9/07

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PLEASE READ INSTRUCTIONS PRIOR TO FILLING OUT FORMS.  
INSTRUCTIONS ARE IN BACK OF THIS PACKET.

## B. DEFENDANTS

1. Name of first Defendant: Baron Albrand, Jeffrey Smoger  
Matthew Brandt The first Defendant is employed as:  
City of Phoenix, Police Officer & Dept. at \_\_\_\_\_  
(Position and Title) (Institution)
2. Name of second Defendant: Joe Arpaio The second Defendant is employed as:  
Maricopa County Sheriff at Maricopa County Jail  
(Position and Title) (Institution)
3. Name of third Defendant: Andrew Thomas The third Defendant is employed as:  
Maricopa County Attorneys Office at \_\_\_\_\_  
(Position and Title) (Institution)
4. Name of fourth Defendant: Maricopa County Superior The fourth Defendant is employed as:  
Courts all Judges involved in this case at \_\_\_\_\_  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

## C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? 5 Describe the previous lawsuits:
- a. First prior lawsuit:
- Parties: Marco Antonio Jimenez v. City of Phoenix Parks & Recreation
  - Court and case number: \_\_\_\_\_
  - Result: (Was the case dismissed? Was it appealed? Is it still pending?) It is still pending.
- b. Second prior lawsuit:
- Parties: Marco Antonio Jimenez v. City of Phoenix, Police Department Officer Turiano
  - Court and case number: U.S. Courthouse 401 W. Washington ST. PHX, AZ 85003/CR2007128829-001
  - Result: (Was the case dismissed? Was it appealed? Is it still pending?) Still pending
- c. Third prior lawsuit:
- Parties: Marco Antonio Jimenez v. Homeland Security Officer E. Detagara
  - Court and case number: \_\_\_\_\_
  - Result: (Was the case dismissed? Was it appealed? Is it still pending?) Still pending.

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

## D. CAUSE OF ACTION

## COUNT I

1. State the constitutional or other federal civil right that was violated: Cruel and unusual punishment

2. Count I. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |   |   |   |                                       |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                        | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Officer Matthew Brandt has committed excessive force by false arrest, by harming me with the handcuffs, and zip tying my legs in order so that I couldn't walk and putting a bag over my head so that it would be difficult to breathe. Officer Brandt has violated my civil rights by not giving me a warning about the noise instead of not arresting me. By officers Abrand, Smoger and Brandt lying under oath because they all have different false testimony against me of aggravated assault on an officer and disorderly conduct when my mother started the argument as it is stated on record. The officers testimony does not match up as they have different testimony against me. They were excessive in apprehending me by not reading me my miranda rights and throwing me into the vehicle and abusing me manhandling me while booking me in the jail. I am also starving to death and having great pains in my stomach because this Sheriff is starving me to death. I must receive proper feeding to get better. This is not a proper way to put people through a fasting diet this is pure cruel and unusual punishment!

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Mental Anguish, lacerations to wrist, emotional Distress, Mental Trauma, and physical abuse. punitive damages

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Because Sheriff personnel do not help during grievances. They are insubordinate. They promote cruel and unusual punishment. Don't do what is requested of them.

They continue to brake their own protocol, rules and regulations. They all lie under oath. I am doing everything I possibly can to get out of here and to file complaints to the highest level, but I get no co-operation from the staff personnel.

## COUNT II

1. State the constitutional or other federal civil right that was violated: wrongful imprisonment

2. Count II. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                   | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input checked="" type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer       | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

The Maricopa County Sheriff's office and staff have held me beyond my will as they are fully aware of according to release procedures and court proceedings. False imprisonment from jail staff and Sheriff's staff. During wrongful imprisonment the Sheriff's staff has treated me with cruel and unusual punishment for not doing what I have requested of them so that way I could get out of jail. Staff mistreatment with feeding procedures of food, with improper segregation procedures while I was trying to get fed better. And requesting phone calls and indigent supplies. For wrongfully classifying me as a maximum security criminal, when I have done nothing wrong. By mistreating me for asking for food when I was refused of my food after trying to get a better plate of food, they had applied excessive physical force and put me in segregation. All of these officers should be charged for assault and battery and fired and also put in jail for their criminal actions during their hours of operation and while behind the color of law and also as being under oath.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Mental anguish, emotional distress, physical bruises, Mental trauma  
punitive damages

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

They don't do their jobs and get away with the abuse of power, because no-one monitoring what they are doing and so they use their freedom to abuse me and my rights because no-one is controlling what they do. They show the public one thing while doing totally another!  
This is total insubordination, incompetence, and negligence from staff personnel.  
I've tried to put in grievances, but staff doesn't do their job resolving anything.

## COUNT III

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail                        | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property                    | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

*The Sheriff's Office has since been very insubordinate and uncooperative and negligent and incompetent in assisting me with any legal process. I believe the Sheriff's Office has violated my legal processing rights when causing obstruction of Justice to proceed with filing claims or otherwise.*

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

*Mental, emotional distress, Frustration, anguish and great pain and suffering also punitive damages apply due to A.B.A. Law.*

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- Did you appeal your request for relief on Count III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. *I am but staff personell are being very insubordinate and uncooperative with me in filing grievances.*

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.



E. REQUEST FOR RELIEF

State the relief you are seeking:

*I seek the relief of \$60,000.000.00 (Sixty-million  
Dollars tax free award - in damages from pain & suffering, respectfully submitted  
on September 23, 2008. Punitive Damages are a separate amount and  
compensation.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

DATE

*9/23/08 / 10/24/08*  
*was supposed to be*

*executed on 9/23/08*

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.